

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

8 U.S.C. §§ 1326(a) and (b) -- Deported Alien Found In
 United States

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Imprisonment: 20 years
 Fine: \$250,000
 Supervised release: 3 years
 Special assessment: \$100

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED
 JUL 23 2008

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DEFENDANT - U.S.

JOSE JAVIER MEJIA-GUTIERREZ

DISTRICT COURT NUMBER

CR08-484 DLJ

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.
 1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
 been filed? No

If "Yes"
 give date
 filed

DATE OF
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not
 DATE TRANSFERRED
 TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

Name and Office of Person
 Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) JAMES C. MANN, AUSA

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address: _____

Date/Time: _____

Before Judge: _____

Comments: _____

**United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

FILED
JUL 23 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

V

CR08-43

DLJ

JOSE JAVIER MEJIA-GUTIERREZ,
a/k/a Marcus Hernandez Ramirez,
a/k/a Marco Espinoza Cardona,
a/k/a Luis Aves,

DEFENDANT(S).

INDICTMENT

8 U.S.C. §§ 1326(a) and (b) -- Deported Alien Found In United States

A true bill.

Foreman

Filed in open court this 23 day of
JULY 2008

Clerk

Wayne D. Brazil Bail, \$ No process. 7/23/08

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney
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JUL 23 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11
12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 JOSE JAVIER MEJIA-GUTIERREZ,)
16 a/k/a Marcus Hernandez Ramirez,)
17 a/k/a Marco Espinoza Cardona,)
18 a/k/a Luis Aves,)
19 Defendant.)

Criminal No.: DR08-484 DLJ

VIOLATION: 8 U.S.C. §§ 1326(a) and (b) --
Deported Alien Found In United States

OAKLAND VENUE

20 INDICTMENT

21 The Grand Jury charges:

22 1. Prior to January 31, 2008, defendant JOSE JAVIER MEJIA-GUTIERREZ was
23 convicted of at least one felony crime punishable by a term of imprisonment exceeding one year.

24 2. On or about September 22, 2004, May 9, 2005, September 20, 2006, July 10,
25 2007, and January 31, 2008, defendant JOSE JAVIER MEJIA-GUTIERREZ was removed,
26 excluded, and deported from the United States.

27 3. After January 31, 2008, defendant JOSE JAVIER MEJIA-GUTIERREZ
28 knowingly and voluntarily reentered and remained in the United States.

INDICTMENT

1 4. On or about June 30, 2008, in the Northern District of California, the defendant,

2 JOSE JAVIER MEJIA-GUTIERREZ,
3 a/k/a Marcus Hernandez Ramirez,
4 a/k/a Marco Espinoza Cardona,
5 a/k/a Luis Aves,

6 an alien, was found in the United States without having obtained the express consent of the
7 Attorney General or the Secretary of the Department of Homeland Security to reapply for
8 admission into the United States, in violation of Title 8, United States Code, Sections 1326(a)
9 and (b).

10 DATED: July 23, 2008

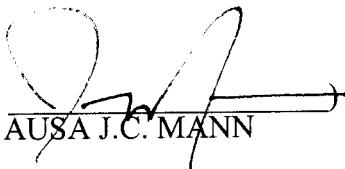
11 A TRUE BILL.

12 
13 FOREPERSON

14 JOSEPH P. RUSSONIELLO
15 United States Attorney

16 
17 W. DOUGLAS SPRAGUE

18 Chief, Oakland Branch

19 (Approved as to form: 

20 AUSA J.C. MANN